



**SPECIAL MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
DECEMBER 9, 2010**

Special Meeting	A community meeting of the Common Council of the City of Middletown was held in the Council Chamber of the municipal building on Thursday, December 9, 2010 at 7 p.m.
Present	Mayor Sebastian N. Giuliano, Deputy Mayor Joseph E. Bibisi, Council Members Vincent J. Loffredo, Philip J. Pessina, Gerald E. Daley, Hope P. Kasper, James B. Streeto, Grady L. Faulkner, Jr., and David Bauer, Sergeant-at-Arms Acting Deputy Chief of Police Gregory Sneed, and Council Clerk Marie O. Norwood.
Absent	Council Members Thomas J. Serra, Ronald P. Klattenberg, Robert P. Santangelo, and Deborah A. Kleckowski; and Corporation Counsel William Howard.
Also Present	Five members of the public.
Meeting Called to Order	The Mayor called the meeting to order at 7:10 p.m. and leads the public in the Pledge of Allegiance.
Call of Meeting Read	The Call of Meeting was read and accepted. Mayor Giuliano declares the Call a Legal Call and the Meeting a Legal Meeting.
Public Comment Opens	The Chair opens public comment on items under the jurisdiction of the Common Council at 7:12 p.m. He asks if there are any members of the public wishing to speak.

Salvatore Caracoglia comes forward and states he heard that Mr. Loffredo would resign and he wishes him well; he thanks him for his service. He is here on something else. He is disappointed in the Police Department. He explains about an incident of hanging up political flyers on a kiosk on Main Street and he was arrested. He believes this is a violation of his rights by a Democrat. He states he wants to paint a picture of Mrs. Santangelo who was a volunteer and she lied and she is a liar and he can prove it. He states he believes the Chair of the Public Safety Committee played a part in his arrest, Chair Santangelo. He states the law is 53A-182 describing disorderly conduct. It is unconstitutional for over 16 years. Someone in Norwalk went to the Supreme Court and the disorderly conduct law was declared unconstitutional in Connecticut. It was it was remanded back to the State to rewrite the law. It came back here and the General Assembly never did anything for 16 years. Police officers are not privy to the information that this law should not be enforced. The 53A-182 was declared unconstitutional because it has to be clear what the behavior is that is illegal. Since it doesn't describe that, it is unconstitutional. What happens is 53A-181 is breach of peace. They have the same elements. This law was not called unconstitutional because Mr. LoSacco a critic of City government was involved, but he never brought it to court because he died. That is still in the books and supposedly you have two statutes that cannot stand together because 53A-182, if guilty you get a minimum of three months in jail and 53A-181, you just get a fine of \$90. So now the prosecutor after three months, he is charged with 53A-182 and now what they do is they suppress a 911 call that Mrs. Santangelo put in to dispatch. Now after that we have a police officer who has lied, Officer White and he will request that this man should be thrown out from the Police Department because he made a statement. Officer White he asked him if he is here to lie and he said no and he asked him to read the bottom of his statement and it is that when you make a statement you read that it is true to the best of his knowledge and if he lies he is in violation of another law. At the incident, after Mrs. Santangelo tells me that the flyer is character assassination and tells me to take it down or she will. I ignore it and she comes and puts her hand on my shoulder and starts to rip the sign and I grabbed her hand and removed it. He was arrested because of this. She ripped his sign and I grabbed her hand and said she couldn't do that. I have the right to put signs up criticizing. They are not about you, so you can't be offended and if you are you belong on another planet. She came around and said she would call the cops. So now my stapler is down. To have an arrest you need a witness to comply with the statute. She calls the cops and gets dispatch and she wants an officer at 386 Main and wants to have a guy arrested for putting up signs. She was on speaker phone and the operator said there was no law against it and she would not send an officer there. I took my flyers and put them in the car and she made a phone call to her husband so Mr. Santangelo somehow and he called him as a witness but the judge who is vicious and incompetent and he denied me the right to have counsel, witnesses, and a speedy trial. These are guaranteed by the Constitution. He was denied and he made a motion for dismissal because the law is unconstitutional and he explained to him not only is the language inadequate to provide notice of prohibitive conduct and it allows the officers to make their own judgment. In other words any law, they do not provide the common citizen with the wrong behavior

and what is right. The rule of constitutional law is an unconstitutional law is not a law. For 16 years, the law was remanded; it was not corrected and it is on the books and this officer followed the command of the superior. When Officer White came in, he arrested me for an unconstitutional law. It cannot operate and supercede a valid law. No one is bound to obey an unconstitutional law and no court can enforce it and when he made a motion to dismiss, the judge said it was Constitutional. We had to go on. Now he gets a statement from discovery motions; he gets the statement and not the 911 call. He told the judge that the prosecutor does not want to give me the tape of the 911 call. On October 24, he was arrested and on November 6, he was in court and the 26th he was back for discovery. He asked for the 911 call. The prosecutor stated they couldn't find the 911 call because it has been a month. He looked at the incident report and reads it. He called the dispatcher and asked about the call. The judge said we would go on. I will tell you when I disagree.

Point of Order

Councilman Bauer makes a point of order and states there are other members of the public here and we have a rule of ten minutes and this member has spoken for 20.

Mr. Caracoglia states he would like to finish if it is okay with the public. There is no objection and he continues. He states he makes a motion for jurisdiction. According to the Connecticut Constitution, they have to give it to him in writing that they have jurisdiction. He had another case with the Board of Education and it was dismissed. He told him that he was right. He wanted to nolle the charge. There is a difference between nolle and dismiss. You heard this prosecutor, there is no evidence of improper behavior. The judge said I was right and the charge was dismissed. He is right about this judge right here. We come in June and make a motion for the Board case and the prosecutor said on June 7, we will have a trial on the case right here. They have ignored every judicial procedure. Now we have a trial and on the trial we have the major character Mrs. Santangelo, Mr. Calabrese and Officer White; they all lied. He asked a lot of questions and Mrs. Santangelo said she did not recall. I asked her if she said it was character assassination. She responded I do not recall. She did not recall any response to any questions. I showed you on this, I have her cell phone and went to dispatch on this day; she denied she made the phone call and talked with Mrs. Rosek. She did not recall. He asked why they were here. The incident was at noon and she makes the phone call and they would not send an officer but at 12:25 they receive another phone call and he did not have the cell phone and it was Mr. Calabrese or Mr. Santangelo. He asked why he couldn't get that information to proceed. The Officer at 12:30 is on the scene and 12:31 he gives me the ticket. He said there are no laws for putting up signs or taking them down and he accuses me of slapping her hand. In the court, it was the arm. This guy tells me I hit her. The Officer lied because he couldn't see and he is upset about it and it is going to the State Supreme Court and this law will be called unconstitutional and he will request it to be off the book because the law is not supposed to be on the books. This is wrong and Officer White, Mr. Calabrese and Mrs. Santangelo were all liars and he will try to send them to jail for lying. I don't want Mrs. Santangelo to replace Councilman Loffredo and if that is the case he will raise hell.

Mr. Lee Smith addresses the Council and wishes the Council happy holidays and I was worried about my speech. September, 2009, they filed a lawsuit and on January 12 you started a new meeting of the Council and it is not coincidence and after the lawsuit you came up with this format to speak. The market place of ideas is hidden in this room. He reads the statistics of the meetings that the Council held and the Council monopolizes the minutes. You don't have minutes from October 2006 to October 2010. Several people received something about fire zones in Westfield and they were signed and put under the City and Town Clerk in Middletown. He has another report and it explains what has been going on and it has the City Ordinance from duties of Fire Chief and Fire Marshal. And he had the Fire Marshall tell him they had nothing to do with fire lanes. He hopes this can be given to the Council members and given to them in color. Officer Elkin states he set it up and it has not been enforced. If you go in our neighborhood, they are marked ten feet on each side, but ours are not marked. When they talked to a police sergeant in charge of traffic they stated that they did not remove the signs, they replaced them. They took them away.

Point number two and it should be noted he had the Acting Police Chief and he didn't know who I was and Debbie Milardo, he trusts, I haven't heard anything except what I believe are the people in charge and he hears nothing. He has heard that for over 20 years. They went to Safety meetings and it turned into a joke. The next part is a tribute to the holidays. They came to the Council in October, 2006 and they were deprived of their rights by government action about matters of public concern and government affairs in an open session of the Council. They changed their rules of order and they acted in reckless disregard of the public and abridged their rights. They asserted limits on speech. At previous Common Council meetings, open public speech and citizens knew what they could do. October 6, during public actions, they altered their rules of order to cancel our right to speak. There was a prior restraint on our speech meeting public notice that read the meeting will be adjourned before the public addresses

and will not be taped or broadcast. That is called prior restraint and you can't have it for public speech. It was done to silence our speech to deny our participation in taking part in City government. The Council did nothing to stop it, but supported it. There was a cost saving of \$1,000 and efficiency to do this. By denying our rights, it stops debate on public matters. Public notice of the October 6 meeting shows an indifference to first amendment rights. The Middletown notice for the meeting verifies the rule and was forbidden before we spoke. What is amazing was he could not figure out what to say to the judge and it is going to summary judgment and because you were trying to save money, we came up with a figure \$2,263,000.11. That is what you saved and that is what we will ask. He doesn't see the Corporation Counsel and you have to pay for him and the gentlemen in the back and there is a secretary and a clean up crew. You are going to try to say you will save \$1,000 to shut down the market place of ideas. Now the Constitutional right goes to the T.V. and you didn't want people like us to speak. After our lawsuit is filed you came up with this venue and you will have a Council Member go to court and he changed his opinion on what he said and he was videotaped. The best part of reading what our attorney said was when he read about rights and she already won one case; what will happen in the court. What Mr. Santangelo said to the children was and he reads it from his speech. What the constitution protects is the right to speak and he even said it on the tape. He said we listen and you listened to this man tonight and you wanted to stop him, but he had the right to say it and it used to be unlimited time. He hopes you thought it out and your attorneys are as good as you want them to be. He believes in evidence and he was involved in a major Court Marshal. He was in Vietnam and came back to Fort Benning. It was Lt. William Calley and it was photographic evidence that got him. When you have evidence you have something that is touchable. The report you have has photographic evidence. He discusses Vietnam. When someone is supposed to set up the fire zone and they don't, it is seconds that fire can take over. There are five City signs on the street and there is one by the fire hydrant, no parking fire zone. It should be on all eight of those streets. He reads quotes from different Supreme Court cases, but he said enough and you have the message and we will go to Court sometime next year. He wishes everyone a happy new year.

Mr. Caracoglia asks the Mayor if he heard Mr. Lee said that Mr. Santangelo made a speech and he admitted to his claim, he is responsible because he is on tape. We taxpayers, we shouldn't have to pay for his mistake. The Chair states you are asking question. Mr. Caracoglia states he won't pay for his mistakes.

Mrs. Donna D. Smith Comes forward and states it is odd to be back here because it has been three years. She is here for matters of public concern. This is our town and our community and you will see across America these boisterous tea parties because our society is in ruins. People go to the polls and vote people in, but it doesn't end there. We need to watchdog what is going on and that is what I tried to be for matters that she thought of real grave interest for children in our public schools and I was shut down that in the public session off the agenda that I wasn't to be heard. She had humiliating moments and was shut down. I took it seriously and sued Middletown and won. I continued to come back to talk about many different topics things concerned about our town to run our towns. We voted you there and we want you to be held responsible. I came here to the October 6 meeting with a speech prepared and on the agenda you took that away without vote or public notice. There was no public venue for us to come here and discuss our first amendment rights. Why would you take it away from us because it took away the flow of the political agenda, you don't want us to come forward. The one problem she has, you are not allowing us to bring forward issues with the venue it was supposed to be. This new forum is more expensive. There is not a cost efficiency. You need a public forum at the town council meeting. We are supposed to come to you and tell you. I called the Mayor about something. Mrs. Smith states she was to be paid to discuss with the City about grant money that was not being used for what it is supposed to be used for. There is no forum that I can come to and get to the public. We need to be able to communicate to get it out to the public. Fire safety; we just brought it in that we don't have any fire zones on our street and if someone heard me on TV someone else may come forward and address the same issue. If you save one life, you have done more than you can do in a lifetime. It is important you bring back the public session. I am going to be one of the history makers because I can't find an exact case where her rights were cut not once but twice. I sued for the first amendment right and I came to discuss the cuts for senior and arts and culture program and those are important that we can come and talk to you about, but you shut us down. It is not about handing you our money; it is what the people want and you need to hear from us before you know what the people want. It is sad you don't get the phone call back. We don't see the directors and I can't question you. No one is mandated to come to these meetings and there is no one I can ask questions or bring forward measures. When I call, I don't get phone calls back. I am someone because I am the dollar signs for the money you are spending. What we want to do for the town is to make a place that people want to come. Middletown has a bad reputation and people want to move out and businesses don't want to come because of the reputation. In order to have first amendment rights, we will be shut down. Who would want to pay taxes and support that medium. I am the case, never been in history, to have first

amendment rights taken away in the same venue twice. I would have loved to speak to someone to make the community better or is the line drawn between me and you.

Motion to Adjourn

The Chair asks if there are any other members of the public wishing to speak. Seeing none, Councilman Streeto moves to adjourn and his motion is seconded by Councilman Bauer. The Chair declares the meeting adjourned by unanimous vote, at 8:10 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk